

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

RONNIE GOLDEN, #742453

V.

RICK PERRY, ET AL.

§

§

§ CIVIL ACTION NO. G-03-015

§

§

ORDER OF DISMISSAL

Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, entered on May 12, 2005, which recommends that the instant case be dismissed with prejudice. Plaintiff has filed objections to the Report and Recommendation which are predicated, in part, on the Religious Freedom Restoration Act (RFRA). Plaintiff is instructed that the Supreme Court overturned RFRA, as it applied to the States, in 1997. *See City of Boerne v. P.F. Flores*, 521 U.S. 507 (1997). The remainder of Plaintiff's objections address his discontent in having to violate the tenets of his religion by performing work in a manner proscribed by his religion. This claim fails for reasons explained by the Magistrate Judge in the Report and Recommendation.

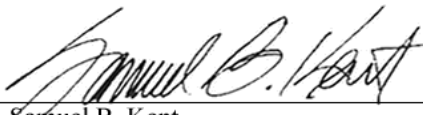
After *de novo* review pursuant to 28 U.S.C. §636 (b)(1)(C), this Court is of the opinion that the Report and Recommendation of the Magistrate Judge should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein. It is the **ORDER** of this Court that this cause is **DISMISSED** with prejudice for failure to state a claim for which relief can be granted and as frivolous.

This Order does not release Plaintiff or the Texas Department of Criminal Justice - Institutional Division from the obligation to pay the filing fee previously imposed. Plaintiff is advised that if he appeals this dismissal, he will be required to pay the appeal fee of \$255.00 pursuant to the Prison Litigation

Reform Act, and he must submit a 6-month certificate of his inmate trust account when he files his notice of appeal.

A certified copy of this Order shall be mailed to: **TDCJ-Office of the General Counsel**, P.O. Box 13084, Austin, Texas, 78711; and, to **TDCJ Local Funds Division**, P.O. Box 629, Huntsville, TX 77342-0629.

DONE at Galveston, Texas, this the 19th day of July, 2005.



Samuel B. Kent
United States District Judge